

Message Text

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R 140424Z MAY 74
FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO

C O N F I D E N T I A L STATE 099532

EXDIS

E.O. 11652: GDS
TAGS: CIK, PINT, PFOR
SUBJ: HUMAN RIGHTS - ALLEGATIONS OF TORTURE

REFS: A. GENEVA 2215; B. SANTIAGO 2375; C. SANTIAGO 2483

1. FORMER CONGRESSMAN CHARLES PORTER MET WITH SEVERAL DEPARTMENT OFFICIALS MONDAY, MAY 6, TO DISCUSS HIS RECENT VISIT TO SANTIAGO AS A MEMBER OF THE FAIR TRIAL COMMITTEE FOR CHILEAN POLITICAL PRISONERS (MEMCON POUCHED). WHILE PORTER ACKNOWLEDGED THAT HE AND OTHERS HAD BEEN PLEASANTLY SURPRISED AT THE ELEMENTS OF DUE PROCESS IN THE FACH TRIALS, HE ALLEGED THAT DISCUSSIONS WITH DEFENSE LAWYERS INDICATED THAT TORTURE OF PRISONERS, PRIMARILY BY ELECTRIC SHOCK METHODS, TO OBTAIN CONFESSIONS CONTINUES TO BE QTE STANDARD OPERATING PROCEDURE. UNQTE PORTER'S ACCOUNT TENDS TO COINCIDE WITH OTHER REPORTS WE HAVE RECEIVED (E.G., PARA 3, REF A), ALTHOUGH WE HAVE NO WAY OF KNOWING IF THE REPORTED ABUSES CONTINUE OR IF THEY ARE AS WIDE-SPREAD AS PORTER MAINTAINS. WE ARE CONCERNED THAT JUNTA'S EFFORTS TO ELIMINATE USE OF TORTURE, WHICH WE BELIEVE SINCERE, HAVE NOT BEEN AS SUCCESSFUL AS THEY AND WE WOULD
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HAVE HOPED.

2. GOC IS, OF COURSE, HIGHLY SENSITIVE ON TORTURE ISSUE (REF B) BUT AMBASSADOR MAY FIND IT APPROPRIATE AND USEFUL TO RAISE SUBJECT PRIVATELY, PERHAPS IN CONTEXT OF OUR GRATIFICATION OVER RECENT DECISION TO COMMUTE DEATH SENTENCES. FOLLOWING POINTS CAN BE DRAWN UPON IN DISCUSSING THE TORTURE ISSUE.

3. USG BELIEVES GOC SHARES OUR VIEW THAT TORTURE OF DETAINEES IS NOT ONLY REPUGNANT TO UN CHARTER AND GENEVA CONVENTIONS FOR THE PROTECTION OF WAR VICTIMS, BUT THAT ITS USE IS POLITICAL LIABILITY FOR GOC. WHATEVER ITS VALIDITY, TESTIMONY OF PORTER BEFORE JOINT MEETING OF FRASER AND FASCELL SUBCOMMITTEES OF U.S. CONGRESS UNDERLINES BOTH IMPORTANCE WITH WHICH U.S. PUBLIC VIEWS THIS ISSUE AND THE POLITICAL COSTS TO CHILE OF FAILING TO CURTAIL EFFECTIVELY SUCH PRACTICES, ESPECIALLY AS IT AFFECTS USG'S ABILITY TO BE HELPFUL.

4. WE ARE AWARE THAT JUNTA HAS ALREADY GIVEN INSTRUCTIONS PROHIBITING USE OF TORTURE; INFORMATION PROVIDED BY DIVERSE SOURCES, EVEN IF UNCLEAR ON FREQUENCY OF SUCH ABUSES, INDICATES THAT PROBLEM MAY STILL EXIST. WE WOULD HOPE, THEREFORE, THAT JUNTA COULD FIND MEANS OF ASSURING THAT ITS ORDERS TO CEASE THIS ACTIVITY ARE BEING IMPLEMENTED.

5. WITHOUT PRESUMING TO ADVISE GOC ABOUT CONDUCT OF ITS INTERNAL AFFAIRS, IT OCCURS TO US THAT ABUSES OF THIS NATURE AT THE OPERATIONAL LEVEL MIGHT BE EASIER TO CONTROL AND INTERNATIONAL OPINION MIGHT BE REASSURED IF GREATER EFFORTS WERE MADE TO ASSURE THAT: (A) FAMILY OF DETAINEES AND CLERGY ARE GRANTED ACCESS WITHIN REASONABLE PERIOD OF TIME AFTER ARREST, USUALLY NOT MORE THAN 24 HOURS; (B) ICRC, AND IN PRINCIPLE, OTHER HUMANITARIAN BODIES, ARE GRANTED FREE ACCESS; AND (C) DETENTION IS RESOLVED PROMPTLY BY RELEASE OR TRIAL. PUBLICATION OF COMPREHENSIVE LISTS OF CURRENT DETAINEES MIGHT ALSO BE HELPFUL.

6. WE HAVE NOTED REPORTS THAT VARIOUS TRIALS ARE TAKING CONFIDENTIAL

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PLACE IN PARTS OF THE COUNTRY OUTSIDE SANTIAGO. USG WELCOMES THIS MOVE INsofar AS IT MEANS EARLY REDUCTION OF NUMBER OF PEOPLE DETAINED WITHOUT CHARGE. HOWEVER, THEY COULD DILUTE OR DISCREDIT ADVANCES MADE BY OPENING EACH TRIALS UNLESS, LIKE THOSE TAKING PLACE IN CAPITAL, TRIALS WILL BE PUBLIC, ADEQUATE ARRANGEMENTS ARE MADE FOR DEFENSE COUNSEL AND PRESENTATION OF A DEFENSE. RUSH

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